

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MACOMB COUNTY EMPLOYEES'
RETIREMENT SYSTEM, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

MASSEY ENERGY COMPANY, DON L.
BLANKENSHIP, BAXTER F. PHILLIPS, JR.,
ERIC B. TOLBERT, RICHARD M. GABRYS,
LADY BARBARA THOMAS JUDGE, DAN R.
MOORE, JAMES B. CRAWFORD, ROBERT
H. FOGLESONG and STANLEY C.
SUBOLESKI,

Defendants.

FIREFIGHTERS' RETIREMENT SYSTEM OF
LOUISIANA, Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

MASSEY ENERGY COMPANY, DON L.
BLANKENSHIP, BAXTER F. PHILLIPS, JR.,
ERIC B. TOLBERT, DAN R. MOORE, E.
GORDON GEE, RICHARD M. GABRYS,
JAMES B. CRAWFORD, ROBERT H.
FOGLESONG, STANLEY C. SUBOLESKI,
LADY BARBARA THOMAS JUDGE, and J.
CHRISTOPHER ADKINS,

Defendants.

Civil Action No. 5:10-cv-00689

WITHDRAWAL OF MOTION OF
THE MEE INVESTOR GROUP TO
CONSOLIDATE RELATED
ACTIONS; TO BE APPOINTED
LEAD PLAINTIFF; AND TO
APPROVE PROPOSED LEAD
PLAINTIFF'S CHOICE OF
COUNSEL

Civil Action No. 5:10-cv-00776

The MEE Investor Group hereby responds to the competing motions for appointment of lead plaintiff and approval of selection of lead counsel, and states as follows:

On June 28, 2010, the Massachusetts Pension Reserves Investment Trust (“Massachusetts”) moved for appointment as lead plaintiff and approval of its selection of lead counsel in this securities class action against Massey Energy Company. Wayne County Employees’ Retirement System and individual movant David Wagner also filed motions seeking appointment as lead plaintiff and approval of their selection of lead counsel.

Having reviewed the competing motions, the MEE Investor Group has determined that Massachusetts possesses the “largest financial interest in the relief sought by the class” as required by the Private Securities Litigation Reform Act of 1995 and appears to meet the other requirements for appointment. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb) and (cc). The MEE Investor Group therefore supports the lead plaintiff/lead counsel motion of Massachusetts.

If, for any reason, Massachusetts’ motion is not granted, the MEE Investor Group stands ready, willing, and able to represent the Class as lead plaintiff. This withdrawal shall have no effect on, and is without prejudice to, the MEE Investor Group’s members’ rights as members of the proposed class, including, but not limited to the right to share in any recovery from the resolution of this litigation through settlement, judgment, or otherwise.

Dated: July 14, 2010

Respectfully submitted,

THE GIATRAS LAW FIRM, PLLC

/s/ Troy N. Giatras

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CERTIFICATE OF SERVICE

I, Troy N. Giatras, Esquire, hereby certify that this Withdrawal of Motion of the MEE Investor Group to Consolidate Related Actions; to be Appointed Lead Plaintiff; and to Approve Proposed Lead Plaintiff's Choice of Counsel was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and electronically mailed to those indicated as non-registered participants on July 14, 2010.

/s/ Troy N. Giatras

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